

20 October 1975

MEMORANDUM FOR: Lt. General Samuel V. Wilson, USA  
Deputy to the DCI for the  
Intelligence Community

SUBJECT : Draft Executive Order on the Successor to  
the PFIAB

1. My basic comment on the draft Executive Order may constitute problem-fighting. The order assigns the President's new Advisory Board on the Foreign Intelligence Community two broad and quite different functions: the oversight of quality control with respect to the Intelligence Community's total performance (or any aspect thereof) and the function of a super-Inspectorate General. This may be what the President wants, or feels he has to have, but these functions are quite different and require people of perceptibly different backgrounds and outlooks to discharge them well. If the Board is to take on these functions, both of them, its own members will have to be very broad-gauged and it will need a fairly sizeable staff. Actually, it will need what amounts to two staffs, one to support it in the quality control function and the other to support it in discharging its inspectorate responsibilities.

2. Apart from the basics, I have a number of small nits:

a. Before the final version of this Executive Order is published, it needs a considerable amount of pure editorial improvement. At several spots, the grammar and syntax of the present draft is atrocious (e.g., Section I(a). Grammatically one cannot "review ... concerning." This clause ought to read "review the foreign intelligence and counterintelligence activities of the US Government and advise the President with respect to them."

b. In that same Section I(a), the word "estimates" is used. I think the drafters meant "production" and if so, the latter is the word that should be used. In intelligence parlance, as you well know, "estimates" is a tricky word because it is inherently ambiguous. It carries both its normal English meaning, which is quite general, making it a synonym for "judgment," "appreciation," etc. It is also a technical term of art referring to a particular kind of bureaucratic product produced by a particular process.

c. Section 2. (Part of the final editorial process should involve a decision on whether to use Roman or Arabic numbers for the sections, with said decision being consistently followed). The sentence beginning "In this connection ..." is utterly opaque, particularly the part which reads "... and the Inspectors General thereof, on appeal from their organization heads..." I have read the sentence several times and still cannot figure out who is doing the appealing. Nor can I figure out whether "organization head" is supposed to mean the head of a Community intelligence component or, in the case of those components which are subordinate to some Cabinet department, the head of that department (e.g. the Secretary of Defense or Secretary of State). This passage simply must be cleared up.

d. In Section 4(a) (3), there is another clause whose sense escapes me. ("the Inspectors General ... shall regularly identify to the Board specific operational issues on matters in which there is a potential for official or public concern." To the limited extent to which this clause has meaning at all, it completely corrodes line management, since it enjoins Inspectors General to run to the Board on every management decision of any consequence, since there is no consequential management decision taken within any aspect of the Intelligence Community which does not contain some "potential for official or public concern." -- Indeed, if there were any grounds for such concern, the decision would not be necessary.

3. In sum, I think this Executive Order will cause real problems if published in anything like its present form and I doubt if those who drafted it have really thought through the implications of what they have put together.

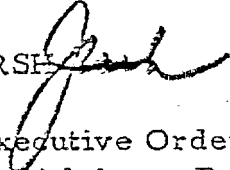
George A. Carver, Jr.  
Deputy for National Intelligence Officers

October 16, 1975

MEMORANDUM FOR:

PHIL BUCHEN  
✓ BILL COLBY  
HENRY KISSINGER  
ED LEVI  
JIM LYNN  
DON RUMSFELD  
JIM SCHLESINGER

FROM:

JACK MARSH 

SUBJECT:

Revised Executive Order on the  
President's Advisory Board on the  
Foreign Intelligence Community

Transmitted herewith for your comments is the last draft of the proposed executive order on PFIAB, tentatively renamed the President's Advisory Board on the Foreign Intelligence Community. Please let me have your comments as soon as possible, but in no event later than COB Monday, October 20.

Thank you.

Attachment

On file NSC release instructions apply.

PRESIDENT'S ADVISORY BOARD ON THE FOREIGN  
INTELLIGENCE COMMUNITY

There is a need for improved review of the foreign intelligence community and advice to the President on the quality of the community's activities and its compliance with law. This order establishes the President's Advisory Board on the Foreign Intelligence Community to perform these tasks.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section I. There is hereby established the President's Advisory Board on the Foreign Intelligence Community, hereinafter referred to as "the Board." It shall:

(a) review and advise the President concerning foreign intelligence and counterintelligence activities of the United States Government. The Board's areas of concern shall include quality of foreign intelligence collection and estimates, organization and management of the foreign intelligence community, and compliance of the foreign intelligence community with applicable provisions of the Constitution and laws of the United States, executive orders, and directives of the National Security Council;

(b) receive, consider, and make recommendations with respect to matters identified to the Board by the Director of Central Intelligence, or by officials of the Central Intelligence Agency, the Department of Defense, the Federal Bureau of Investigation, and other Government departments, agencies, and organizations of the foreign intelligence community;

(c) report and make recommendations to the President concerning the Board's findings and appraisals;

(d) where appropriate, be utilized by the Director of Central Intelligence and the Attorney General; and

(e) submit interim and annual reports to the President on its findings and recommendations.

Section 2. The Board may receive, investigate, consider, and make appropriate recommendations with respect to allegations of improprieties involving agencies within the foreign intelligence community made by employees of such agencies. In this connection, the Director of Central Intelligence, the Director of FBI, and the heads of other departments, agencies and organizations comprising the foreign intelligence community, and the Inspectors General thereof, on appeal from their organization heads, may seek the advice of the Board with respect to activities or categories of

activities which in the light of the statutory authority of any such agency, or any restrictions imposed by law or Executive Order, may have been or, if implemented, might be, improper or appear to be improper. As appropriate, the Chairman of the Board may designate a special panel of the Board to receive and make recommendations to the Board on such allegations.

Section 3. As used in this order, the term "foreign intelligence community" means those organizations (or subdivisions thereof) which collect, disseminate or evaluate foreign intelligence or counter-intelligence.

Section 4. (a) In order to facilitate performance of the Board's functions, the Director of Central Intelligence; the Director of the FBI, the heads of all other departments, agencies, and organizations comprising the foreign intelligence community, and the Inspectors General thereof, shall regularly:

(1) make available to the Board all information with respect to foreign intelligence, counterintelligence, and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order;

(2) notify the Board of major issues in the foreign intelligence community;

(3) identify to the Board specific operational issues or matters in which there is a potential for official or public concern;

(b) Each Inspector General (or other official with equivalent duties) of the foreign intelligence community shall have the authority to report directly to the Board, after notifying the head of his organization, to appeal his decisions.

(c) The head of each organization in the foreign intelligence community shall designate in writing to the Board the name of an individual and office to serve as the primary point of contact in support of Board functions. In addition, the Board is authorized to call upon persons at all levels within the foreign intelligence community.

Section 5. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of ability, knowledge, diversity of background and experience, and with a view toward achieving continuity. The members shall receive compensation and allowances consonant with law.

Section 6. The President shall designate from among the Board members a Chairman who shall devote substantial time to his duties with the Board.



Section 7. The Board shall employ a staff headed by an Executive Secretary, who shall be appointed by the President.

(a) If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition (military or otherwise) from such agency or department, and shall neither possess nor exercise any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department.

(b) The Executive Secretary shall be authorized, subject to the approval of the Board and in a manner consonant with law, to hire and fix the compensation of such additional personnel as may be necessary for performance of the Board's duties.

Section 8. Compensation and allowances of the Board, the Executive Secretary, and other members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the Executive Office Appropriation Act or from corresponding appropriations made in future years. Such payments shall be made without<sup>†</sup> regard to the provisions of Section 3681 of the Revised Statutes and Section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

Section 9. The Board shall succeed to the records held by the President's Foreign Intelligence Advisory Board, established by Executive Order No. 11460 of March 20, 1969.

Section 10. Executive Order No. 11460 of March 20, 1969, is hereby revoked.